

**875—69.2 (17A,89A) Appeal to the board.**

**69.2(1)** A decision by the commissioner to deny, suspend, or revoke an operating permit; a deemed denial of a petition for reconsideration; and the commissioner's ruling on a petition for reconsideration are subject to appeal to the board.

**69.2(2)** An appeal to the board shall be a contested case proceeding subject to the provisions of Iowa Code chapter 17A.

**69.2(3)** The commissioner shall have an automatic right of intervention in any appeal and shall defend the ruling in a contested case proceeding.

**69.2(4)** Only those issues raised by the petitioner in the petition for reconsideration will be preserved for appeal to the board in an appeal from the deemed denial of a petition for reconsideration and an appeal from the commissioner's ruling on a petition for reconsideration.

**69.2(5)** At a minimum, an appeal shall include a short and concise statement of the basis for the appeal. The required form for an appeal to the board is available on the board's Web site at <http://www.iowaworkforce.org/labor/elevatorboard.htm>.

**69.2(6)** The deadlines for filing an appeal are set forth below:

*a. Reconsideration of an inspection report.* An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the commissioner's written ruling on a petition for reconsideration or the deemed denial of a petition for reconsideration.

*b. Notification of intent to deny, suspend, or revoke an operating permit.* An appeal must be filed in writing with the board within 30 calendar days of the appellant's receipt of the notification of intent to deny, suspend, or revoke an operating permit.